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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,497	10/14/2005	Oday Abbosh	TGP/jma/J45343/US (200512)	1487
69638 7590 02/04/2009 KAMRATH & ASSOCIATES P.A. 4825 OLSON MEMORIAL HIGHWAY SUITE 245 GOLDEN VALLEY, MN 55422			EXAMINER CHU, KING M	
			ART UNIT 3728	PAPER NUMBER
			MAIL DATE 02/04/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/553,497	ABBOSH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KING CHU	4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,3,5,8-10,12-14,17 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,5,8-10,12-14,17 and 22-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/14/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 2, 3, 5, 8-10, 12-14, 17, and 23-32 in the reply filed on 01/16/2009 is acknowledged. The traversal is on the ground(s) that "claims directed to multiple embodiments are often included, and the mere existence of multiple embodiments is not a basis for restriction. In this regard, the examiner has not indicated that the fields of search are different, that any extra efforts would be required for searching or examination, or the like". This is not found to be persuasive because the technical feature common to all of the species, i.e. the elongated web members, is not a special technical feature that defines a contribution over the prior art. Thus patentability of the species lies in their other mutually exclusive characteristics, where, at a minimum, such mutually exclusive characteristics would require different search queries and strategies.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

2. Claims 23 objected to because of the following informalities: The reference to claim 1 in claim 23 is invalid since claim 1 was canceled in the amended claims. Appropriate correction is required. For the purpose of examination, claim 23 is assumed to depend from claim 9.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2, 5, 8, 9, 12, 23, 26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,893,438 to Fry et al. (Fry) in view of U.S. Patent 3,019,940 to Sutton.

In Reference to Claim 9

Fry discloses:

A convenience device comprising an elongate web of material (10) comprising a multiplicity of individual portions (16) integrally connected together in series (see Figure 2 of Fry) wherein the multiplicity, of individual portions each have a generally circular shape (see Figures 1 and 2 of Fry), with the elongate web having an overall width, with each of the multiplicity of individual portions having a length along a longitudinal axis of the elongate web, wherein each of the multiplicity of individual portions has an area that is less than a product of the overall width across the elongate web multiplied by the length along the longitudinal axis of the elongate web (see Figure 1 and 2 below of Fry) and wherein neighbouring individual portions are connected together by a frangible zone of material (20) whose width across the elongate web is small relative to the overall width of the elongate web to act as a controlled breaking point for when one of the multiplicity of individual portions is to be separated from the neighbouring individual portions on dispensing, wherein the multiplicity of

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individual portions are each folded about a plurality of radially extending fold lines into a stack **except** with quadrant shape.

Sutton discloses:

A stack of filter paper which are folded with a quadrant shape (Figure 1 and 6 of Sutton).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify fry's invention so that the individual portions are folded in the manner shown by Sutton. The motivation would have been to make each individual portions smaller for dispensing.

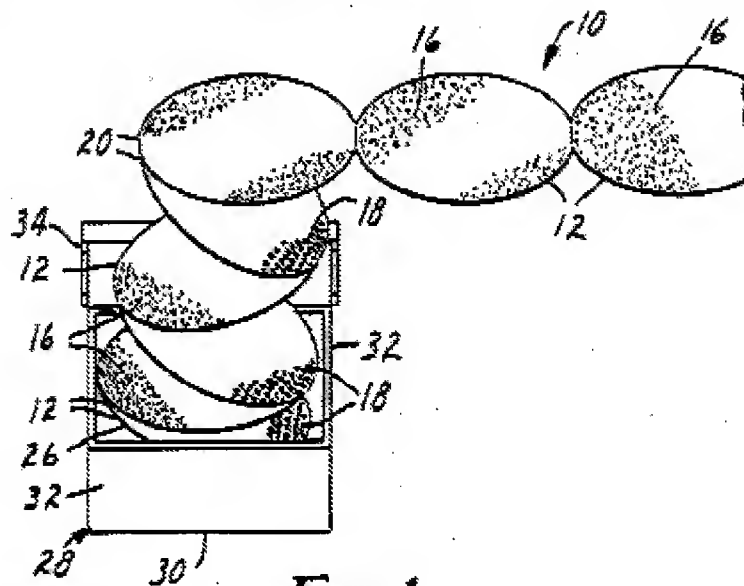
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**U.S. Patent**

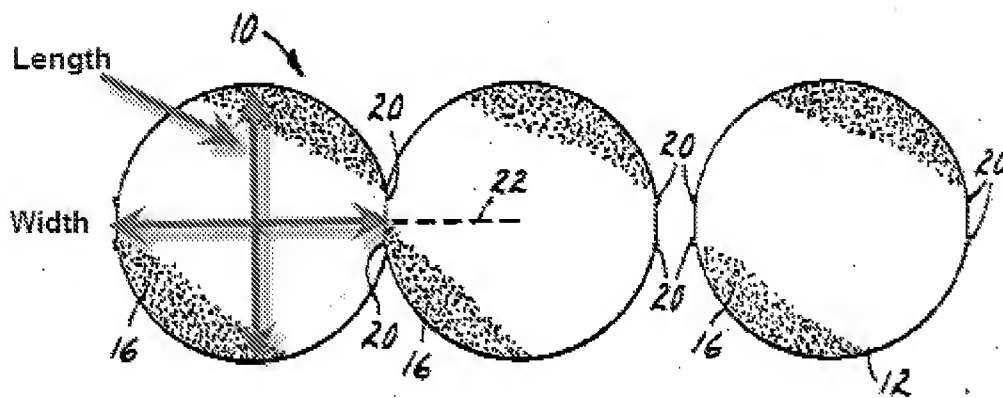
Jan. 16, 1990

**4,893,438**

Fry et al.



**FIG. 1**



**FIG. 2**

In Reference to Claim 2

Fry discloses:

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A convenience device as claimed in claim 9 (see Rejection of claim 9 above) wherein said frangible zone has a width across the elongate web of less than half the overall width of the elongate web (See Figure 2 above).

In Reference to Claim 5

Fry discloses:

A convenience device as claimed in claim 9 (see Rejection of claim 9 above) wherein the elongate web is folded at the frangible zones between the neighbouring individual portions (see Figure 1 of Fry above).

In Reference to Claim 8

Fry discloses:

A convenience device as claimed in claim 9 (see Rejection of claim 9 above) wherein the individual portions are folded about a diameter of the generally circular shape to produce the stack.

In Reference to Claim 12

Fry discloses:

A dispenser (30) containing a convenience device as claimed in claim 9 (see Rejection of claim 9 above).

In reference to Claim 23

Fry discloses:

The convenience device as claimed in claim 1 (for the purpose of examination, assumed to be dependent from claim 9 instead of claim 1, see Rejection of claim 9 above) wherein said plurality of radially extending fold lines

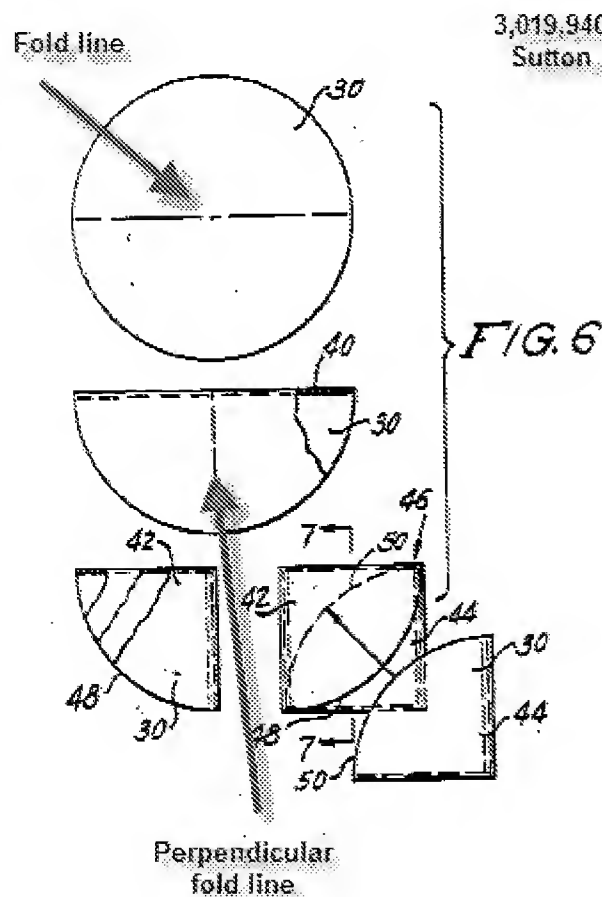
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includes a first fold line extending across a middle of each individual portion at right angles to the longitudinal axis of the web (see Figure 6 below).

In reference to Claim 26

Fry discloses:

The convenience device as claimed in claim 2 (see Rejection of claim 2 above) wherein said plurality of radially extending fold lines includes a first fold line extending across a middle of each individual portion at right angles to the longitudinal axis of the web (see Figure 6 of Sutton below).



In reference to Claim 29



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Fry discloses:

The convenience device as claimed in claim 5 (see Rejection of claim 5 above) wherein said plurality of radially extending fold lines includes a first fold line extending across a middle of each individual portion at right angles to the longitudinal axis of the web (see Figure 6 above of Sutton).

5. Claim 10, 24, 25, 27, 28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,893,438 to Fry et al. (Fry), U.S. Patent 3,019,940 to Sutton, and further in view of U.S. Patent 1,533,396 to Dabney

In reference to Claim 24

Fry discloses:

The convenience device as claimed in claim 23 (see Rejection of claim 23 above) wherein said plurality of radially extending fold lines includes second and **except** third fold lines arranged at an angle of 45° to either side of said first fold line on each individual portion, with each individual portion being folded about the second and third fold lines in a same sense, whilst being folded about said first fold line in an opposite sense (in view of Sutton).

Dabney discloses:

A plurality of radial fold lines, some arranged at an angle of 45° to either side of a first fold line, used to fold a sheet of material into compact form.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Fry invention, which teaches the idea of folding a sheet of material to make it smaller for storage, to include more radial fold lines, perhaps two

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at 45 degrees, as disclosed by Dabney, as an alternate means for folding a sheet into compact form. The motivation would have been to conserve space in the dispenser while the individual portions are being stacked.

In reference to Claim 27

Fry discloses:

The convenience device as claimed in claim 26 (see Rejection of claim 26 above) wherein said plurality of radially extending fold lines includes second (see Figure 2 of Hymowitz below) and **except** third fold lines arranged at an angle of 45° to either side of said first fold line on each individual portion, with each individual portion being folded about the second and third fold lines in a same sense, whilst being folded about said first fold line in an opposite sense (in view of Sutton).

Dabney discloses:

A plurality of radial fold lines, some arranged at an angle of 45° to either side of a first fold line, used to fold a sheet of material into compact form.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Fry invention, which teaches the idea of folding a sheet of material to make it smaller for storage, to include more radial fold lines, perhaps two at 45 degrees, as disclosed by Dabney, as an alternate means for folding a sheet into compact form. The motivation would have been to conserve space in the dispenser while the individual portions are being stacked.

In reference to Claim 30

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Fry discloses:

The convenience device as claimed in claim 29 (see Rejection of claim 29 above) wherein said plurality of radially extending fold lines includes second and **except** third fold lines arranged at an angle of 45° to either side of said first fold line on each individual portion, with each individual portion being folded about the second and third fold lines in a same sense, whilst being folded about said first fold lines in a opposite sense (in view of Sutton).

Dabney discloses:

A plurality of radial fold lines, some arranged at an angle of 45° to either side of a first fold line, used to fold a sheet of material into compact form.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Fry invention, which teaches the idea of folding a sheet of material to make it smaller for storage, to include more radial fold lines, perhaps two at 45 degrees, as disclosed by Dabney, as an alternate means for folding a sheet into compact form. The motivation would have been to conserve space in the dispenser while the individual portions are being stacked.

In reference to Claim 10

Fry discloses:

A convenience device as claimed in claim 9 (see Rejection of claim 9 above) wherein the individual portions are folded about the plurality of radially extending fold lines in a fan-like pattern.

Dabney discloses:

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A plurality of radially extending fold lines, folded to a fan-like pattern.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Fry invention so that a fourth or a plurality of radially extending fold lines are folded in the fan-like pattern, as disclosed by Dabney. The motivation would have been for aesthetic reasons as well as a more attractive product with a pattern for the public to buy.

In reference to Claim 25

Fry discloses:

The convenience device as claimed in claim 24 (see Rejection of claim 24 above) wherein said plurality of radially extending fold lines **except** includes a fourth radially extending fold line aligned with the longitudinal axis of the web, with each individual portion folded in a fan-like pattern.

Dabney discloses:

A plurality of radially extending fold lines, folded to a fan-like pattern.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Fry invention so that a fourth or a plurality of radially extending fold lines are folded in the fan-like pattern, as disclosed by Dabney. The motivation would have been for aesthetic reasons as well as a more attractive product with a pattern for the public to buy.

In reference to Claim 28

Fry discloses:

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The convenience device as claimed in claim 27 (see Rejection of claim 27 above) wherein said plurality of radially extending fold lines **except** includes a fourth radially extending fold line aligned with the longitudinal axis of the web, with each individual portion folded in a fan-like pattern.

Dabney discloses:

A plurality of radially extending fold lines, folded to a fan-like pattern.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Fry invention so that a fourth or a plurality of radially extending fold lines are folded in the fan-like pattern, as disclosed by Dabney. The motivation would have been for aesthetic reasons as well as a more attractive product with a pattern for the public to buy.

In reference to Claim 31

Fry discloses:

The convenience device as claimed in claim 30 (see Rejection of claim 30 above) wherein said plurality of radially extending fold lines **except** includes a fourth radially extending fold line aligned with the longitudinal axis of the web, with each individual portion folded in a fan-like pattern.

Dabney discloses:

A plurality of radially extending fold lines, folded to a fan-like pattern.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Fry invention so that a fourth or a plurality of radially extending fold lines are folded in the fan-like pattern, as disclosed by Dabney. The

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motivation would have been for aesthetic reasons as well as a more attractive product with a pattern for the public to buy.

6. Claim 3, 8, 17 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,893,438 to Fry et al. (Fry), U.S. Patent 3,019,940 to Sutton, and further in view of U.S. Patent 3,225,916 to Field et al. (Field).

In Reference to Claim 3

Fry discloses:

A convenience device as claimed in claim 9 (see Rejection of claim 9 above) wherein **except** said frangible zone is in the form of a single strip of material in a middle section of the web.

Field discloses:

A frangible zone (14) in the form of a single strip of material in a middle section of an individual portion (12).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fry's invention so that the frangible zone is made in the form of a single strip of material in a middle section of an individual portion, as taught by Field.

The motivation would have been to allow for a better stacking of the individual portions as well as a stronger frangible zone.

In Reference to Claim 8

Fry discloses:

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A convenience device as claimed in claim 9 (see Rejection of claim 9 above) wherein the individual portions are folded about a diameter of the generally circular shape to produce the stack.

Field discloses:

Individual portions that are folded about a diameter of a generally circular shape (see Figure 6 of Sutton).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fry's invention so that the individual portions are folded about a diameter of the generally circular shape, as taught by Sutton, to produce a stack. The motivation would have been to allow for a better stacking of the individual portions.

In reference to Claim 17

Fry discloses:

A convenience device as claimed in claim 2 (see Rejection of claim 2) wherein said frangible zone is **except** in the form of a single strip of material in a middle section of the web.

Field discloses:

A frangible zone (14) in the form of a single strip of material in a middle section of an individual portion (12).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fry's invention so that the frangible zone is made in the form of a single strip of material in a middle section of an individual portion, as taught by Field.

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The motivation would have been to allow for a better stacking of the individual portions as well as a stronger frangible zone.

In reference to Claim 32

Fry discloses:

The convenience device as claimed in claim 3 (see Rejection of claim 3 above) wherein said plurality of radially extending fold lines includes a first fold line extending across a middle of each individual portion at right angles to the longitudinal axis of the web (see Figure 6 of Sutton above).

7. Claim 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,893,438 to Fry et al. (Fry), U.S. Patent 3,019,940 to Sutton, and further in view of U.S. Patent 5,803,249 to Harsanyi, et al. (Harsanyi).

In reference to Claim 13

Fry discloses:

A dispenser containing a convenience device as claimed in claim 9 (see Rejection of claim 9 above), and **except** having two or more separate compartments each for holding the stack.

Harsanyi discloses:

A dispenser container having two or more separate compartments each for holding the stack (see abstract of Harsanyi).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Fry invention so that the stacks are held within two or



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more separate compartments as disclosed by Harsanyi. The motivation would have been to allow more stacks to be stored for mobility purposes.

In reference to Claim 14

Fry discloses:

A dispenser as claimed in claim 13 (see Rejection of claim 13 above) wherein one of the two or more separate compartments holds a dry stack and another of the two or more separate compartments holds a moist or wet stack (see abstract of Harsanyi).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KING CHU whose telephone number is (571)270-7428. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Bomberg can be reached on (517)272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. M. C./

/Kenneth Bomberg/  
Supervisory Patent Examiner, Art Unit 4137